

SECTION 2 - DEFINITIONS

For the purposes of this by law, the definitions given herein shall govern.

- 2.1 **ABATTOIR**, shall mean a building or structure, or portion thereof, where animals are slaughtered for the purposes of processing meat into food for human consumption; and where meat products are produced, processed, handled, sold or stored.
- 2.2 **ACCESSORY**, shall mean a use, a building, or structure that is normally incidental, subordinate, and exclusively devoted to a main use, building or structure and that is located on the same lot therewith.
- 2.3 **ADULT ENTERTAINMENT PARLOUR**, shall mean any premises or part thereof, used in pursuance of any trade, calling, business or occupation, for the purpose of a live performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations, of which a principal feature or characteristic is the nudity or partial nudity of any person, and in respect of which the word “nude”, “naked”, “topless”, “bottomless”, or “sexy”, or any other word, picture, symbol or representation having like meaning or implication may be used on any sign, advertisement, or advertisement device, and without limiting the generality of the foregoing, includes any performance, exhibition, or activity involving striptease dancers, exotic dancers, wet clothing contests, or best body part contests.
- 2.4 **AGRICULTURAL INDUSTRIAL ESTABLISHMENT**, shall mean the use of land and/or buildings or structures for the manufacturing and wholesale and/or retail sales of goods that are necessary to support agricultural uses. These include such goods as farm machinery and equipment used for tillage of soil, the planting, spraying, harvesting, transporting, treatment, processing and storage of grain, forage, feed, or forest products, products used for the housing and husbandry of livestock, poultry and fur-bearing animals, and the storage, handling and processing of milk, eggs, and manure and the manufacture of sub-surface drainage materials and equipment.
- 2.5 **AGRICULTURAL PROCESSING ESTABLISHMENT**, shall mean the use of land and/or buildings or structures for the processing of products derived from agricultural uses, as defined in this By-law. These shall include such products as seed, grain, feed and forage processing, storage and transport, fruit and vegetable storage and treatment, livestock and poultry assembly, sales and transport, a cheese factory, an egg grading station, a sawmill, an abattoir, a rendering plant and a dead stock removal facility.
- 2.6 **AGRICULTURAL SERVICE ESTABLISHMENT**, shall mean the use of land and/or buildings or structures for the purposes of buying or selling commodities and services that are necessary to support agricultural uses as defined in this By-law. These shall include such sales and services as welding and machinery repairs, farm drainage and excavation, agriculturally-related trucking, well-drilling, contracting and trades related to farm buildings and structures, and custom spray, tillage, planting and harvesting services.
- 2.7 **AGRICULTURAL SUPPLY ESTABLISHMENT**, shall mean the use of land and/or buildings or structures for the purpose of supply of goods, materials or services that are necessary to support agricultural uses as defined by this By-law. These shall include such goods and services as sale, processing and storage of seed, feed, fertilizer and chemical products, farm machinery and equipment sales and service, and animal and poultry health

and breeding services.

- 2.8 **AGRICULTURAL USE**, shall mean the cultivation of land, the production of crops and the processing and selling of such produce on a lot, and the breeding, raising, and care of livestock, or the produce of such livestock raised on a lot and, without limiting the generality of the foregoing, may include animal husbandry, and the raising and harvesting of field, bush, tree or vine crops, truck gardening, sod farming and mushroom farming.
- 2.9 **ALTER**, shall mean, when used in reference to building or structure or part thereof, to change, extend, enlarge, or renovate any one or more of the exterior or external dimensions or walls or roof thereof. When used in reference to a lot, the word “alter” shall mean to change the setback, or parking area, or to change the location of any boundary of such lot with respect to a road, whether such alterations are made by conveyance or in alienation of any portion of the said lot, or otherwise.
- 2.10 **ANIMAL CLINIC**, shall mean a building, or portion thereof, designed, used or intended for use by a veterinarian and his assistants for the purposes of providing for the care and treatment of pets raised or housed for the recreational or hobby purposes and, without limiting the generality of the foregoing, may include dogs, cats, birds and livestock.
- 2.11 **ANIMAL AND POULTRY HEALTH AND BREEDING SERVICE**, shall mean the premises of a veterinary surgeon where animals, birds or other livestock are treated or kept, or the facility used for the insemination of livestock or poultry.
- 2.12 **ANIMAL KENNEL**, shall mean a lot, building or structure, or portion thereof, on or within which four (4) or more dogs more than four (4) months of age are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor veterinary treatment.
- 2.13 **ANTIQUÉ STORE**, shall mean a building, or part thereof used for the refurbishing, restoration, refinishing and/or resale of items which due to their age have an increased quality, but which does not include the sale of used motor vehicles.
- 2.14 **APARTMENT BUILDING**, shall mean the whole of a building that contains four (4) or more dwelling units which have a common entrance from street level and are served by a common corridor and the occupants of which units have the right to use in common the corridors, stairs, elevators, yards or one or more of them.
- 2.15 **AREA OF NATURAL AND SCIENTIFIC INTEREST (ANSI)**, means area of land and water containing natural landscape or features that have been identified as having life science or earth science values related to protection, scientific study, or education.
- 2.16 **ATTACHED**, shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an abutting building or structure.
- 2.17 **ATTIC**, shall mean the portion of a building situated wholly or part within the roof and which is not one-half storey.
- 2.18 **AUCTION SALES FACILITIES**, shall mean a building, structure, or portion thereof used for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings.

- 2.19 **BASEMENT**, shall mean that portion of a building between two floor levels which has at least one-half of its height, measured from finished floor to finish ceiling above adjacent finished ground surface or grade level.
- 2.20 **BED & BREAKFAST ESTABLISHMENT or TOURIST HOME**, shall mean a single unit detached dwelling in which not more than three bedrooms are made available by the person or persons permanently residing in the said dwelling for the temporary accommodation of the travelling or vacationing public and within which light meals may be offered.
- 2.21 **BOARDING HOUSE or ROOMING HOUSE**, shall mean any house or building or portion thereof in which the proprietor resides and supplies, for hire or gain to more than two persons, lodging and/or meals, but shall not include a hotel, motel, hospital, home for the young or the aged, or institution, or restaurant accommodating the general public.
- 2.22 **BUFFER STRIP**, shall mean an area used for no other purpose than the planting and maintaining of a continuous row of trees or a continuous unpierced hedgerow of evergreens or shrubs, not less than two (2) metres high, and a remainder of which is used for landscaping and the planting of ornamental shrubs, flowering shrubs, flower beds, or a combination thereof.
- 2.23 **BUILDING**, shall mean a structure, whether temporary or permanent, designed, used or intended for shelter and any use or occupancy and consisting of wall, roof, and floor or any one or more of them, or structural system serving the functions thereof, including plumbing works, fixtures and service systems appurtenant thereto, but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home, or tent.
- 2.24 **BUILDING AREA**, shall mean an area designated on a zoning map or zoning map schedule as "Building Area" which defines the area of a lot within which permitted buildings or other structures may be erected, used, and maintained and shall be calculated by deducting all appropriate yard areas and setbacks from the gross lot area.
- 2.25 **BUILDING INSPECTOR**, shall mean the officer or employee of the Municipality for the time being charged with the duty of enforcing the provisions of this By-Law, the Ontario Building Code, or any other building code or building bylaw of the Municipality.
- 2.26 **BUILDING LINE**, shall mean a line within a lot drawn parallel to a lot line that establishes the minimum distance between a lot line and any building or structure that may be erected. Where the lot line is a curve, the building line shall be a line drawn parallel to the chord of the arc constituting the lot line.
- 2.27 **BUILDING LINE, ESTABLISHED**, shall mean a building line considered to be established between existing buildings where at least five (5) main buildings have been erected on any one side of a continuous one hundred and fifty (150) metre strip of land fronting on a road. The established building line shall thus mean the average setback of the existing main buildings.
- 2.28 **BULK SALES ESTABLISHMENT**, shall mean the use of land, buildings, or structures for the purpose of buying and selling building materials, ice, and allied chemicals but does not include any manufacturing, assembling, or processing uses.

- 2.29 **BUS DEPOT**, shall mean a facility for the boarding and de-boarding of passengers from inter-city bus travel and may include ancillary commercial facilities, public washrooms, ticket sales areas, and offices for building personnel.
- 2.30 **CAMPGROUND**, shall mean a use, consisting of at least five (5) camping sites, licensed under the provisions of the Municipal Act, as amended, from time to time, and comprising land used for seasonal recreational activity as grounds for the camping or parking of tents, motor homes, travel trailers, or truck campers, but not mobile homes.
- 2.31 **CARPORT**, refer to definition of Garage, Private.
- 2.32 **CATERER'S ESTABLISHMENT**, shall mean an establishment in which food and beverages are prepared for consumption on or off the premises to customers but does not include a restaurant.
- 2.33 **CELLAR**, shall mean that portion of the building between two floor levels which is partially or wholly underground but which has more than one-half or its height from finished floor to ceiling below adjacent finished ground surface or grade level.
- 2.34 **CEMETERY**, shall mean land that is set apart or used as a place for the interment of deceased persons or in which human bodies have been buried.
- 2.35 **CHURCH**, shall mean a building or portion thereof, designed, used or intended for religious worship by a recognized religious congregation or religious organization and may include a church hall, church auditorium, Sunday school, parish hall, church day nursery, mosque, and synagogue.
- 2.36 **CLINIC**, shall mean a building, or portion thereof, designed used or intended for the purposes of medical or dental practice and, without limiting the generality of the foregoing, may include the offices or consulting rooms of members of the medical or dental professions listed in this By-law under the definition "Home Occupation" and includes any building in which two or more home occupations are being carried on by members of the said medical or dental profession or of a chiropractor.
- 2.37 **CLUB**, shall mean a building, or portion thereof, designed, used or intended as a meeting place for the members of an organization, association, fraternal order, or similar group, not operated for profit and wherein athletic facilities, dining rooms, and beverage rooms may be provided.
- 2.38 **COMMERCIAL FISHING OPERATION**, shall mean an establishment involved in the harvest and processing of marine life, for the purpose of retail or wholesale trade, and shall include all buildings, and structures associated with such operation.
- 2.39 **COMMERCIAL GREENHOUSE**, shall mean any building or structure where fruits, vegetables, flowers, trees, shrubs or plants are produced by controlled temperature and/or humidity for the purpose of selling such products, and which may include a garden centre as a commercial accessory use.
- 2.40 **COMMERCIAL USE**, shall mean the use of land, buildings, or structures, or portion thereof, for the purposes of buying and/or selling commodities and supplying services for profit or intended for profit.

- 2.41 **COMMUNAL WALL**, shall mean an exterior side or rear wall of a building that is used to support more than one fully enclosed space.
- 2.42 **COMMUNITY CENTRE**, shall mean a building, or part or portion thereof, designed, used or intended for community activities and not for commercial purposes the control of which is vested with the Municipality, a local committee or board, or trustees.
- 2.43 **CONSERVATION AREA**, shall mean an area of land owned by a conservation authority, the Municipality of Dutton/Dunwich, or the Province and used solely for the preservation and enhancement of the natural environment.
- 2.44 **CONTRACTOR'S YARD OR SHOP**, shall mean the use of land, buildings, or structures, or portion thereof, for the purpose of storing equipment, vehicles, or material, or for performing shop work or assembly work by any building trade or other construction contractor.
- 2.45 **CONVENIENCE PLAZA**, shall mean a group of not more than four (4) convenience stores located adjacent to one another under one roof with separate entrances, all of which front on an improved street or road which provide off-street parking.
- 2.46 **COUNTY**, shall mean the Corporation of the County of Elgin.
- 2.47 **COVERAGE**, shall mean in the case of a residential building or structure that portion or percentage of the area of any lot upon which buildings or structures are erected or permitted to be erected on the lot (not including a swimming pool) measured at the level of the lowest storey containing habitable rooms, and in the case of a non-residential building or structure that portion or percentage of the area of buildings or structures erected or permitted to be erected on the lot (not including a swimming pool) measured at the level of the lowest storey above grade, including all porches and verandas, open, unenclosed terraces at grade, steps, bay windows, chimneys.
- 2.48 **DAY CARE CENTRE**, means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care and guidance, for a continuous period, not exceeding 24 hours, when the children are:
- a) under 18 years of age in the case of a day nursery for children with a developmental handicap; and
 - b) under 12 years of age in all other cases.
- 2.49 **DOCK**, shall mean a structure on land or in the water to be used for transferring goods or passengers to or from a boat or airplane.
- 2.50 **DOG POUND**, shall mean the use of land, buildings, or structures, or portions thereof, for the purpose of impounding dogs pursuant to a By-law of the Municipality, and where such dogs are kept for a minimum redemption period as defined in the Animals for Research Act, as amended, for time to time.
- 2.51 **DRIVE-IN THEATRE**, shall mean an outdoor cinema where viewing occurs from cars in a parking lot.

- 2.52 **DRIVEWAY**, shall mean a private passageway for a motor vehicle, having at least one end thereof connected to a road, and providing the principal means of vehicular access to a lot.
- 2.53 **DWELLING**, shall mean a building, occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, but excludes hotels, boarding houses, rooming houses, motels, group homes, institutions, or mobile homes; or living quarters for a caretaker, watchman, or other person or persons using living quarters which are necessary to a non-residential building or structure.
- 2.54 **DWELLING UNIT**, shall mean one or more habitual rooms occupied or capable of being occupied by a person or persons as an independent or separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such person or persons, with a private entrance from outside the building or from a common hallway or stairway inside the building in which the dwelling unit is located.
- 2.55 **DWELLING, APARTMENT**, shall mean a dwelling consisting of four (4) or more dwelling units which units have a common entrance from the street level and the occupants of which have the right to use, in common, halls and/or elevators and yards.
- 2.56 **DWELLING, BACHELOR**, shall mean a dwelling unit without a standard bedroom, providing therein living, sleeping, eating, food preparation and sanitary facilities for one or two persons. Other essential facilities and services may be shared with other dwelling units.
- 2.57 **DWELLING, BLOCK TOWNHOUSE**, shall mean a townhouse dwelling that is part of a condominium, co-operative or rental project with a private internal traffic circulation system or direct access from a public street.
- 2.58 **DWELLING, CONVERTED**, shall mean a dwelling originally designed as a single unit detached dwelling, which because of size or design, is or is capable of being converted by partition into more than one dwelling unit.
- 2.59 **DWELLING, DUPLEX**, shall mean a building that is divided horizontally into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 2.60 **DWELLING, DOUBLE DUPLEX**, shall mean a building that consists of two (2) duplex dwellings attached to each other.
- 2.61 **DWELLING, MAISONETTE**, shall mean a building designed to contain more than three (3) dwelling units each having an entrance from a common hallway or stairway inside the building and a separate outside entrance.
- 2.62 **DWELLING, MULTI-UNIT**, shall mean a dwelling in designed, intended or used for occupancy by more than three (3) or more households living independently of each other in separate dwelling units but excludes an apartment dwelling, household dwelling, or double duplex dwelling.
- 2.63 **DWELLING, SEASONAL**, shall mean a single unit detached dwelling that is not used, or intended or designed for continuous habitation as a permanent residence.
- 2.64 **DWELLING, SEMI-DETACHED**, shall mean a dwelling that is divided vertically into

two (2) dwelling units, each of which has independent entrances either directly or through a common vestibule.

- 2.65 **DWELLING, SENIOR CITIZEN**, shall mean a multiple housing unit for the elderly, which is owned and managed by a public housing authority or non-profit organization or charitable institution and which may be associated with a church or service club.
- 2.66 **DWELLING, SINGLE UNIT DETACHED**, shall mean a completely detached dwelling unit designed, used, or intended for occupancy by not more than one household.
- 2.67 **DWELLING, TOWNHOUSE (ROW HOUSE)**, shall mean a dwelling that is divided vertically into three (3) dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- 2.68 **DWELLING, TRIPLEX**, shall mean a building that is divided horizontally into three (3) separate dwellings units, each of which has an independent entrance either directly or through a common vestibule.
- 2.69 **DWELLING, TWO-UNIT**, shall mean a dwelling designed, intended or used for occupancy by not more than two households living independently of each other in separate dwelling units but excludes a semi-detached dwelling or a duplex dwelling.
- 2.70 **ERECT**, shall include to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, may include any preliminary physical operations such as excavating, grading, piling, cribbing, filling, or draining, structurally altering any existing building or structure by an addition, deletion, enlargement, or extension.
- 2.71 **EROSION HAZARDS**, means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using the 100 year erosion rate (the average annual rate of recession extended over a hundred year time span), an allowance for slope stability, and an erosion allowance.
- 2.72 **EXISTING**, shall mean legally existing as of the date of the passing of this by law.
- 2.73 **FAIRGROUNDS**, shall mean a lot owned and operated by an organization incorporated under the Agricultural and Horticultural Organizations Act, as amended, from time to time.
- 2.74 **FAMILY**, shall mean an individual, or two (2) or more persons who are interrelated by blood or marriage or legal adoption, or a group of not more than three (3) unrelated persons, exclusive of servants, occupying a dwelling unit, and not more than two (2) persons who receive their lodging and/or board for compensation.
- 2.75 **FARM**, shall mean a lot, held for the purpose of agricultural use, together with or without its dependant buildings including one single-detached dwelling with private garage, one dwelling as supplementary farm housing where required, barns, sheds, pens, and similar accessory buildings except that in areas where buildings and structures are prohibited such use shall refer only to the land.
- 2.76 **FARM EQUIPMENT SALES AND SERVICE**, shall be the use of land, buildings, or structures, or portions thereof, where farm vehicles and equipment are stored for the purposes of sale, lease, or hire and where such vehicles and equipment are repaired or

serviced for purposes of being maintained in an operable condition.

- 2.77 **FARM FUEL SALES**, shall mean the use of land, buildings, or structures, or portions thereof, where gasoline or other motor fuels are kept for sale and for delivery into farm vehicles, but does not include the sale of any such fuels to vehicles which are not directly involved in the operation of farming.
- 2.78 **FARM PRODUCE OUTLET**, shall mean a use that is permitted on a seasonal basis, and is accessory to a permitted farm, which consists of the retail sale of agricultural products produced in the area which such outlet is located, and which does not include any permanent buildings or structures.
- 2.79 **FEED MILL**, shall mean a building or structure used for the purpose of processing food for animals, and which may include a retail operation for the sale of such products.
- 2.80 **FERTILIZER PLANT**, shall mean the use of land, buildings, and structures, or portions thereof, where natural and synthetic materials are processed for the purpose of producing materials to increase soil fertility, and which may include the retail sale of such products.
- 2.81 **FINANCIAL INSTITUTIONS**, shall mean an establishment that provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stockbrokers, but not including the offices or administrative offices, which shall be considered to be offices for the purposes of this By-law.
- 2.82 **FLOOD AND EROSION CONTROL**, shall mean any lands, buildings or structures, and any appurtenances to such, operated and/or maintained by a public authority, and used for the purpose of regulating water levels and protecting lands adjacent to both natural and man-made bodies of water.
- 2.83 **FLOOD PLAIN (for river and stream systems)**, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards (PPS) that are not ordinarily covered by water.
- 2.84 **FLOOR AREA**, shall mean the sum of the areas of all floors of a building measured from the outside of all exterior walls exclusive of any attic, basement, garage, veranda, porch or sunroom unless such enclosed porch or sunroom is an integral part of a building and habitable in all seasons, excluding any floor area with a floor to ceiling height of less than two (2) metres.
- 2.85 **FLOOR AREA, GROUND**, shall mean the area of the building or structure measured from the outside of all the exterior walls, at grade level, exclusive of any accessory building, garage, basement, terrace, veranda, opened or closed porch or sunroom, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons.
- 2.86 **FLOOR AREA, NET**, shall mean that the portion of the floor area of the building which is used exclusively for a non-residential use defined herein and specifically permitted elsewhere in this by law, but excluding:
- a) Any part of such building used for any other non-residential uses, which are defined herein or specifically permitted elsewhere in this By-law;

- b) Any part of such building used as a dwelling unit, a public concourse, or common hallway or stairway not used exclusively by the said non-residential use;
- c) Any part of such building used solely for the storage of electrical equipment or of equipment to heat, cool, or otherwise control the environment of such building are portion thereof; and
- d) The thickness of any exterior walls of such buildings.

- 2.87 **FOOD PROCESSING PLANT**, shall mean a building, or part thereof, other than a restaurant or refreshment room in which agricultural products are packed, frozen, prepared, processed, preserved, graded or stored for eventual human consumption, and includes a cannery, a flour mill, a dairy, a bakery, or an egg grading station, but does not include an abattoir or any premises used for the slaughtering of animals or the boiling of blood, tripe or bones.
- 2.88 **FORESTRY USE**, shall mean the use of land for the raising and harvesting of wood and without limiting the generality of the foregoing, may include the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products.
- 2.89 **FUNERAL HOME**, shall mean a building where preparation of the deceased human body for interment or cremation is undertaken.
- 2.90 **GAME PRESERVE**, shall mean any lands, buildings, or structures where wild animals, birds, waterfowl or fish are kept for the purpose of hunting for food or for sport.
- 2.91 **GARAGE, PRIVATE OR CARPORT**, shall mean a building or portion of the building designed for the storage of not more than three (3) private motor vehicles and the storage of household equipment incidental to residential occupancy.
- 2.92 **GARAGE, PUBLIC**, shall mean a building or structure other than a private garage where motor vehicles are kept and stored for remuneration or repair, including the complete repair to motor vehicle bodies, frames, or motors, and the painting, upholstering, washing, and cleaning of such vehicles, and may include a motor vehicle service establishment, but does not include an automatic car washing establishment, a motor vehicle sales lot or an automobile service station.
- 2.93 **GARDEN SUPPLY CENTRE**, shall mean the use of land, buildings or structures for the purpose of buying, selling and raising of plants, shrubs and trees and includes the storage and sale of accessory products generally used for landscaping and gardening purposes.
- 2.94 **GAS**, shall mean natural gas, manufactured gas, propane-arc gas, or any mixture of the gases listed in this definition.
- 2.95 **GOLF COURSE**, shall mean a public or private area operated for the purpose of playing golf including a par three golf course, driving range, miniature golf course, or combination thereof.
- 2.96 **GRADE LEVEL**, shall mean, when used with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building; when used with the reference to a structure means the average elevation of the finish grade of the

ground immediately surrounding such structure, exclusive in both cases of any artificial embankment; and when used with reference to a road, shall mean the elevation of the road established by the authority having jurisdiction.

- 2.97 **GRAIN HANDLING AND STORAGE FACILITIES**, shall mean buildings and structures used for the purpose of drying, processing, storage, and/or wholesale trade of harvested agricultural grains.
- 2.98 **GROUP HOME**, shall mean a single housekeeping unit in a residential dwelling in which three to ten residents (excluding supervisory staff or the receiving persons) live as occupants under responsible supervision consistent with the requirements of its residents.
- 2.99 **GROUP HOME, TYPE 1**, shall mean a residence licensed, supervised, approved, or funded under a federal or provincial statute for the accommodation of three to ten persons, excluding staff, living under responsible supervision in a single housekeeping unit and who, by reason of their intellectual, mental health, social or physical condition or legal status, require a group living arrangement for their well being. A Group Home Type 1 may include children or youth on probation under provincial or federal statute, but does not include a Group Home Type 2, as defined by this By-law.
- 2.100 **GROUP HOME, TYPE 2**, shall mean a residence that is maintained or operated under a federal or provincial statute for the accommodation of up to ten persons, excluding staff, primarily for: persons who have been placed on probation or released on parole under provincial or federal statute; or, youth who have been placed in detention or custody. A Group Home Type 2 may include a Group Home Type 1.
- 2.101 **HAZARD LAND**, shall mean land which exhibits, or potentially exhibits, a hazardous condition as a result of its susceptibility to flooding, erosion, subsidence, inundation, or the presence of organic soils or steep slopes, and where the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.
- 2.102 **HEIGHT**, shall mean, when used with reference to a building or structure, the vertical difference between the horizontal plane through grade level and horizontal plane through:
- a) The highest point of the roof assembly in the case of a building with a flat roof or deck roof;
 - b) The average level of a one slope roof, between ridge and the eaves, providing that such roof having a slope of less than 20 degrees with the horizontal shall be considered a flat roof;
 - c) The average level between eaves and ridges in the case of a roof type not covered in subsection a) and b).
- 2.100 **HIGHWAY MAINTENANCE YARD**, shall mean any lands, buildings or structures used for the storage of road maintenance vehicles and supplies and is owned by the Municipality, County or the Province of Ontario.
- 2.101 **HOME OCCUPATION**, shall be an occupation for gain or support conducted only by persons residing on a lot on which the home occupation is conducted and not more than two employees who are not residents of the property.

- 2.102 **HOME OCCUPATION, AGRICULTURAL**, shall mean an occupation for gain or support, accessory to an agricultural use or residential use, which is conducted by only persons residing on the premises and not more than one employee who is not a resident of the property.
- 2.103 **HOSPITAL**, shall mean a hospital as defined by the Private Hospitals Act, and a sanatorium as defined by the Private Sanatorial Act, and a hospital as defined by the Public Hospitals Act.
- 2.104 **HOTEL**, shall mean any hotel, tavern, inn, lounge, or public house in one main building or in two or more buildings used primarily for the purposes of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodations of not less than six (6) guest rooms, which guest room contained no provisions for cooking, and shall include all such buildings operating under the Liquor License Act, and the Tourist Establishments Act, as amended from time to time.
- 2.105 **INDUSTRIAL USE, GENERAL**, shall mean the use of land, buildings, or structures, or portions thereof, for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, distributing, warehousing, storing, or adapting for sale any goods, substance, article or thing, including the storage of building and construction equipment and materials but not including any mine, pit, quarry or oil well and where the waste water discharged from such activities are limited to those facilities designed, used, or intended for the exclusive use of employees only, and to those facilities use for cooling, or pressure testing of equipment, the washing of accessory vehicles, and similar accessory use.
- 2.106 **INDUSTRIAL USE, LIGHT**, shall mean the use of a building, or portion thereof, for the manufacturing, assembling, or processing of component parts to produce finished products suitable for retail, wholesale or service trade and includes repairing, servicing, distributing, warehousing, storing or adopting for sale any good, substance, article or thing, and where the waste water discharges from such activities are limited to those facilities designed, used or intended for the exclusive use of employees only, and to those facilities used for cooling or pressure testing of equipment, the washing of accessory vehicles, and similar accessory uses.
A light industrial use however shall not include operations that create a nuisance as a result of the emission of any noise or air pollution that can be smelled, heard or otherwise detected outside of the building or structure in which the use is situated.
- 2.107 **INSTITUTIONAL USE**, shall mean the use of land, buildings or structures, or portion thereof, for public or social purposes but not for commercial purposes and, without limiting the generality of the foregoing, may include governmental, religious, educational, charitable, philanthropic, or other similar but non-commercial uses.
- 2.108 **LABORATORY, MEDICAL/DENTAL**, shall mean a building, or part thereof, used for medical and/or dental testing, medical and/or dental experimentation and medical and/or dental research.
- 2.109 **LANDING STRIP**, shall mean the use of land for the landing and taking off of aircraft.
- 2.110 **LANDSCAPED AREA**, shall mean an area not built upon and not used for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees and similar types of vegetation and appurtenances, but does not include parking areas, parking lots,

driveways or ramps.

- 2.111 **LANE or ALLEY**, shall mean a public thoroughfare which affords a means of access to abutting lots but which is not intended for general traffic circulation.
- 2.112 **LAUNDRY ESTABLISHMENT**, shall mean a building, or part thereof, in which the business of a laundry is conducted on the ground floor, in which only water and detergent are used, and the drying, ironing, and finishing of such goods are conducted, which emits no odours, fumes, noise or vibration causing a nuisance or inconvenience within or outside the premises. A laundry establishment may include a self-service, coin operated laundromat.
- 2.113 **LIBRARY**, shall mean a building, or part thereof, used for the public display and lending of books, and other reading and audio visual materials to the public, which is operated by a public authority.
- 2.114 **LIVESTOCK**, shall mean animals kept for use, for propagation, or for intended profit or gain and, without limiting the generality of the foregoing, may include cattle, horses, swine, sheep, laying hens, chickens and turkey broilers, turkeys, goats, geese, ducks, mink, rabbit, deer, emu, llama and any other animals which may be included by a Minimum Distance Separation formula, but excludes animals such as pets raised or housed for recreational or hobby purposes.
- 2.115 **LIVESTOCK SALES BARNs AND MARKETING YARDS**, shall mean the lands, buildings, and structures where livestock and agricultural produce is stored temporarily for the purpose of wholesale trade, and may include the offices of such personnel employed on the premises.
- 2.116 **LOADING SPACE**, shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise or materials used in connection with the main use of the lot or any building thereon, and which has unobstructed access to a street or lane.
- 2.117 **LOT**, shall mean a parcel or tract of land:
- a) Which is the whole of a lot on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to Section 49 (4) of the Planning Act, as amended, from time to time, or any predecessor or successor of such section, not to be a registered plan of subdivision; or
 - b) Which is all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land.
- 2.118 **LOT AREA**, shall mean the total horizontal area within the lot lines of a lot, except in the case of a corner lot area of such lot shall be calculated as if the lot lines were projected to the intersection.
- 2.119 **LOT CORNER**, shall mean the lot situated at the intersection of, and abutting upon, two (2) roads, which are at least ten (10) metres wide, and which intersect at an angle of not more than 135 degrees.
- 2.120 **LOT COVERAGE**, shall mean the percentage of the area of any lot upon which buildings

or structures are erected or permitted to be erected (including an outdoor swimming pool erected below grade level) measured at grade level including all porches and verandas, steps, bay windows, and chimneys.

- 2.121 **LOT DEPTH**, shall mean the horizontal distance between the front and rear lot lines. If these lines are not parallel, it shall be the length of a straight line joining the midpoints of the front lot line and the rear lot line. When there is no rear lot line, lot depth shall mean the length of a straight line joining the middle of the front by the side lot lines.
- 2.122 **LOT FRONTAGE**, shall mean the horizontal distance between the side lot lines of a lot measured at right angles. Where such side lot lines are not parallel the lot frontage shall be measured perpendicularly to the line joining the centre of the front and the centre of the rear lot lines at a point six (6.0) metres back from the front line, and where such side lot lines meet, the lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines and a point of six (6.0) metres back from the front lot line.
- 2.123 **LOT INTERIOR**, shall mean a lot other than a corner lot and having access to one street.
- 2.124 **LOT LINES**, shall mean the boundary line of a lot defined as follows:
- a) **FRONT LOT LINE**, shall mean, except in the case of a corner lot, the line dividing the lot from the road. In the case of a corner lot the shorter boundary line abutting the road shall be deemed the front lot line and the longer boundary line abutting the road shall be deemed the side lot line. In case each of such lot lines should be of equal length the front lot line shall be deemed to be the front lot line as established in the block by prior construction.
 - b) **REAR LOT LINE**, shall mean the lot line of a lot having four (4) or more lot lines which is farthest from or opposite to the front lot line.
 - c) **SIDE LOT LINE**, shall mean a lot line other than a front lot line or rear lot line. In the case of a corner lot from the street shall be deemed to be the exterior side lot line and the other side lot line shall be deemed to be the interior side lot line.
- 2.125 **LOT, THROUGH**, shall mean a lot bounded on two sides by roads, each of which is 10 metres wide provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein defined, such lot shall be conclusively deemed to be a corner lot.
- 2.126 **LUMBER (BUILDING MATERIALS) YARD**, shall mean the use of land, buildings, and/or structures for the purposes of milling, storage, and wholesale sales of a broad range of building materials and tools, which may include a retail operation.
- 2.127 **MACHINE OR WELDING SHOP**, shall mean a building or portion thereof where farm equipment and machinery and/or small engines are serviced or repaired.
- 2.128 **MAIN BUILDING**, shall mean the building on a lot or portion thereof designed, used, or intended for the permitted and principal use of the lot or part thereof.
- 2.129 **MAIN WALL**, shall mean the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.

- 2.130 **MANURE STORAGE AREA**, shall mean land, buildings or structures used for the storage of liquid or solid manure that is generated by livestock.
- 2.131 **MARINA**, shall mean an establishment where boats are stored, rented, or hired, and/or where boats, boat motors, or boat accessories are sold, repaired, or refuelled, and may include a building or structure for the sale of accessories, supplies, and/or refreshments.
- 2.132 **MARKET GARDEN OPERATIONS**, shall mean the use of land, buildings, or structures for the purpose of selling fruits, vegetables and flowers, and which may include a retail component as a commercial accessory use.
- 2.133 **MEAT PACKING OPERATION**, shall mean a building, or part thereof used for the processing of meat, poultry, and fish products.
- 2.103 **MINIMUM DISTANCE SEPARATION**, shall mean the tool used to determine minimum setback distances between a livestock facility and another land use, and such distances shall be determined by the publications known as **MINIMUM DISTANCE SEPARATION I** and **MINIMUM DISTANCE SEPARATION II** developed by the Ontario Ministry of Agriculture and Food, as amended from time to time.
- a) **MINIMUM DISTANCE SEPARATION I**, refers to the minimum distance separation for new development from existing livestock facilities.
- b) **MINIMUM DISTANCE SEPARATION II**, refers to the minimum distance separation for new or expanding livestock facilities from existing or approved development.
- 2.134 **MOBILE HOME**, shall mean a building or structure designed to be transported after fabrication, either on its own wheels, on a flatbed, on a separate trailer, or on detachable wheels, and which is suitable for occupancy as a dwelling unit except for minor and incidental unpacking and assembly operations, and placement on a mobile home stand, and connection to utilities if available, and which may have an individual sewage holding reservoir, or be capable of connection to a communal or public sewage disposal system, but shall not include a modular home.
- 2.135 **MOBILE HOME PARK**, shall mean a lot or portion thereof used for the siting of mobile homes and/or park model trailers and includes those uses, buildings and structures accessory to the operation of the park and the needs of park residents.
- 2.136 **MODULAR HOME**, shall mean a house that is intended for residential purposes and that is constructed by assembling manufactured modular units each of which comprises at least one room or living area, has been manufactured to comply with the A277 series of standards prescribed by the Canadian Standards Association, and bears the seal of that Association attesting to such compliance.
- 2.137 **MOTEL**, shall mean a building, or two (2) or more detached buildings designed, used or intended for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation, with or without supplying food and beverages.
- 2.138 **MOTOR HOME**, shall mean a structure built on and made an integral part of a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreation camping and travel use.

- 2.139 **MOTOR VEHICLE**, shall mean a wheeled self-propelled vehicle for the transportation of passengers and goods and, without limiting the generality of the foregoing, may include automobiles, trucks, buses, ambulances, hearses, motor homes and tractors.
- 2.140 **MOTOR VEHICLE BODY SHOP**, shall mean a building or structure where motor vehicles are kept for repair including the complete repair to vehicle bodies, frames, chassis, or motors and the painting, upholstering, glass replacement and cleaning of such vehicles.
- 2.141 **MOTOR VEHICLE, DERELICT**, shall mean a motor vehicle that is inoperable and has no market value as a means of transportation.
- 2.142 **MOTOR VEHICLE SALES ESTABLISHMENT**, shall mean the use of land, buildings, or portion thereof, where motor vehicles are hired, kept or used for hire, or where such vehicles and accessories are stored or kept for sale, and where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or where minor repairs essential to the actual operation of motor vehicles are executed or performed.
- 2.143 **MOTOR VEHICLE SERVICE ESTABLISHMENT**, shall mean a building, or portion thereof, or clearly defined space on a lot where gasoline, propane, oil, grease, anti-freeze, tires, light bulbs, spark plugs, batteries and similar items for motor vehicles are sold; and where motor vehicles may be oiled, greased or washed, or have their ignitions adjusted, tires inflated or batteries charged, and where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.
- 2.144 **MUNICIPAL DRAIN**, shall mean drainage works as defined by the Drainage Act, as amended, from time to time.
- 2.145 **MUNICIPALITY**, shall mean the Corporation of the Municipality of Dutton/Dunwich.
- 2.146 **NATURAL WATERCOURSE**, any channel or flowing body of water, with either permanent or intermittent flow, that is not a work constructed under the Drainage Act.
- 2.147 **NON-AGRICULTURAL**, when used with reference to a building, structure, or use, shall mean, designed intended or used for purposes other than those of an agricultural use.
- 2.148 **NON-COMPLYING**, shall mean a building or structure that does not comply or agree with the regulations of this bylaw as of the date of passing thereof.
- 2.149 **NON-CONFORMING**, shall mean a use, building or structure which is not a use, building or structure permitted in the zoning in which the said use, building, or structure is situated.
- 2.150 **NON-RESIDENTIAL**, when used with reference to a building, structure or use, shall mean designed, intended or used for purposes other than those of a dwelling.
- 2.151 **NURSING HOME OR REST HOME**, shall mean a building in which the proprietor supplies and/or provides for hire or gain lodging, (with or without meals), nursing, medical or similar care and treatment, if required and shall include a convalescent home.
- 2.152 **OCCUPANCY**, shall mean to reside in as owner or tenant on a permanent or temporary basis.

- 2.153 **OFFICE, GENERAL**, shall mean any building or part of a building in which one (1) or more persons are employed in the management, direction or conducting of an agency, business, labour, or fraternal organization, but excludes such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.
- 2.154 **OFFICE, PROFESSIONAL**, shall mean any office used by professionally qualified persons, for the purposes of giving advice, consultation or treatment of clients or patients.
- 2.155 **OIL**, shall mean crude oil, and includes any hydrocarbon that can be recovered in liquid form from a pool through a well.
- 2.156 **OUTSIDE STORAGE**, shall mean the storage of goods, materials, or equipment in the open air on a lot or portion thereof.
- 2.157 **OWNER**, shall mean the person who holds legal title to a piece of property.
- 2.158 **PARKING LOT**, shall mean a lot or portion thereof, used or intended for the temporary parking of two (2) or more vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a road.
- 2.159 **PARKING SPACE**, shall mean a space, whether or not enclosed, having a minimum width not less than three (3.0) metres and a minimum length of not less than six (6.0) metres (18 m²), exclusive of aisles, entrance and exit lands, accessible to a road and designed, used or intended for the purpose of the temporary parking or storage of a motor vehicle.
- 2.160 **PARK, PRIVATE**, shall mean a park not open to the general public and may be operated for commercial gain.
- 2.161 **PARK, PUBLIC**, shall mean an area of open land, maintained or owned by the Municipality or a public authority for the enjoyment, health and well being of the public and normally open to the public.
- 2.162 **PERMITTED**, shall mean permitted by this By-law.
- 2.163 **PERSONAL SERVICE SHOP**, shall mean a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, comprising the premises of a barber, hairdresser, beautician, tailor, dressmaker and/or shoemaker. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.
- 2.164 **PERSONS**, shall include an individual, an association, a firm, a partnership, an incorporated company, municipal corporation, agent, or trustee and their heirs, executors, or other legal representatives of a person to whom the context of this By-law applies according to law.
- 2.165 **PIT**, shall mean any opening, quarrying, or excavation of or in the ground for the purpose of removing soil, rock, sand, gravel, earth, clay, or limestone and the processing thereof for commercial purposes including screening, sorting, washing, crushing, and other similar operations, required buildings and structures, but does not include a water well, oil well, natural gas well, or wayside pit.
- 2.166 **PITS AND QUARRIES, WAYSIDE**, shall mean a temporary pit or quarry opened and

used by a public road authority on the basis of a permit issued pursuant to the Aggregate Resources Act, as amended, solely for the purpose of a particular project or road construction contract and not located on the road right-of-way.

- 2.167 **PLACE OF ENTERTAINMENT**, shall mean a building or part thereof used for the purposes of an arena, auditorium, public hall, billiard or pool rooms, bowling alley, ice or roller rink but does not include other places of amusement not specifically listed.
- 2.168 **PLANT NURSERY**, shall mean the use of land, buildings, or structures, or portions thereof, where trees, shrubs, or plants are grown for the purposes of transplanting, for use as stocks for building or grafting, or for the purpose of retail or wholesale trade.
- 2.169 **PORCH**, shall mean a roofed, open gallery, or portico attached to the exterior of a building.
- 2.170 **PORTABLE ASPHALT PLANT**, shall mean a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, and which is not of permanent construction, but which is to be dismantled at the completion of the construction project.
- 2.171 **POST OFFICE**, shall mean a building, or part thereof where communications and postal services are provided to both businesses and the public such as fax machines, mailboxes, internet links, and/or package shipping and receiving.
- 2.172 **PUBLIC AUTHORITY**, shall mean:
- a) The Municipality;
 - b) Any department or ministry of the Government of Canada or the Province of Ontario;
 - c) The County of Elgin;
 - d) Any agency, board, commission, committee or other body established or exercising any power or authority under any general or special statute of Ontario with respect to any of the affairs or purposes of the Municipality or a portion thereof, and includes any committee or local authority established by Bylaw of the Council of the Municipality.
- 2.173 **PUBLIC UTILITY**, shall mean any electric power, telephone, telegraph, railway, or natural gas company or public authority.
- 2.174 **PUBLIC WATER SUPPLY**, shall mean a system of underground piping and related storage, pumping, and treatment facilities, operated by a public authority for public use, and to which a lot has access to make connection thereto.
- 2.175 **PUBLISHING AND PRINTING ESTABLISHMENT (NEWSPAPER)**, shall mean a building, or part thereof used for the purpose of printing, lithographing, or publishing, and which may include the reproduction of visual copy by blueprinting, photocopying, or small offset process.
- 2.176 **RECREATIONAL FACILITIES**, shall mean a building or portion thereof designed and intended to accommodate one or more leisure or sporting activities and shall include an

arena, aquatic centre, tennis, squash and racquetball courts, dance studios and fitness centres.

- 2.177 **RECREATIONAL USE, ACTIVE**, shall mean the use of land, water and/or building for the purpose of organized active leisure activities and shall include an arena, a golf course and a sports field, and motorized vehicle trails.
- 2.178 **RECREATIONAL USE, PASSIVE**, shall mean the use of land and/or water for the purpose of passive leisure activity and shall include a park, a garden, a picnic area and the like, equestrian and hiking trails, as well as a play lot with activity equipment for children.
- 2.179 **RENDERING PLANT**, shall mean a building, or part thereof, where any animals are reduced, converted, or otherwise processed for the purpose of producing agricultural by-products, but shall not include an abattoir.
- 2.180 **RESIDENTIAL USE**, shall mean the use of a building or structure, or portion thereof, as a dwelling.
- 2.181 **RESTAURANT**, shall mean a building or portion thereof designed, used or intended for the servicing of food or refreshments to the general public where the serving and consumption of food or refreshment takes place entirely within such building and may include a dining lounge licensed under the Liquor License Act, as amended, from time to time, or at temporary outside tables, immediately adjacent to such building.
- 2.182 **RESTAURANT, DRIVE-IN OR TAKEOUT**, shall mean a building, or portion thereof, designed, used or intended for the sale of food or refreshments to general public, and where such food or refreshments may be made available to a person while in his motor vehicle or while within the building, and where provision may be made for the consumption of such food or refreshments by the person while his motor vehicle, or within the building, or elsewhere on the site.
- 2.183 **RETAIL STORE**, shall mean a building, or portion thereof, designed, used, or intended for the selling or buying of goods, wares, merchandise, articles, or things at retail or the providing of the service primarily to, or from, the general public, in uses accessory thereto, but excludes any commercial use or establishment permitted by or defined elsewhere in this By-law.
- 2.184 **RIDING STABLE**, shall mean an establishment that offers horses for hire or for instruction in horsemanship.
- 2.185 **RIFLE RANGE AND TRAP SHOOTING RANGE OR CLUB**, shall mean lands, buildings and structures used for the purpose of discharging firearms or any other weaponry at a non-living fixed or moving target for the purpose of practice or enjoyment, but does not include a game preserve.
- 2.186 **ROAD**, shall mean a common and public road, street, lane, highway or commons vested in the Municipality, the County, the Province of Ontario or any other public authority having jurisdiction over the same, and includes a bridge or any other structure forming part of a road on, over, or across which a road passes.
- 2.187 **SANITARY SEWAGE FACILITIES, MUNICIPAL**, shall mean a publicly-owned and operated system whereby sanitary sewage is pumped, transported or piped from any or all

buildings in the municipality to a central collection station for processing and discharge pursuant to the regulations of the Ontario Ministry of the Environment.

- 2.188 **SAWMILL**, shall mean an establishment where lumber is cut by machines into boards for the purpose of wholesale trade, but does not include a retail component.
- 2.189 **SCHOOL**, shall mean a building or portion thereof under the jurisdiction of a board as defined by the Department and Education Act, as amended, from time to time, designed, used, or intended as a school, college, university or for any other educational purposes and, without limiting the general policy of the foregoing, may include a nursery school or a boarding school having accessory dormitory facilities.
- 2.190 **SCHOOL, PUBLIC**, shall mean a school operated by and under the jurisdiction of a public authority.
- 2.191 **SCHOOL, PRIVATE**, shall mean a school, other than an elementary school, secondary school, adult secondary school, community college school, university school or a commercial school, under the jurisdiction of a private board of directors, trustees, or governors, a religious organization or a charitable institution, used primarily for the instruction of students receiving primary and/or secondary education.
- 2.192 **SERVICE SHOP**, shall mean a building or portion thereof where appliances and household machinery are sold, serviced, or repaired and may include the business premises of the tradesmen such as a carpenter, an electrician, a plumber and similar trades but excludes any manufacturing, processing or wholesaling.
- 2.193 **SETBACK**, shall mean the horizontal distance from the centre line of the road allowance, measured at right angles to such centre line, to the nearest part of any building or structure on a lot.
- 2.194 **SHALL**, shall always be construed as mandatory.
- 2.195 **SHOPPING PLAZA**, shall mean a building or group of buildings designed, built, and/or managed as a unit with parking provided on the lot on which the building or group of buildings is situated and which building or buildings contained five or more separate and distinct retail stores.
- 2.196 **SIGN**, shall mean a name, identification, description, device, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.
- 2.197 **STOREY**, shall mean the portion of a building, other than the basement, which lies between the surface of the next floor above it, or if there is no floor above it, then the space between such floor in the ceiling or roof next above it.
- 2.198 **STOREY, FIRST**, shall mean the lowest storey of a building excluding the basement or cellar.
- 2.199 **STOREY, HALF**, shall mean the portion of a building located wholly or partly within a sloping roof, having side walls not less than one (1) metre in height, or ceiling with the

minimum height of two (2) metres over an area equal to at least fifty (50) percent of the area of floor next below.

- 2.200 **STREET**, refer to the definition of Road.
- 2.201 **STREET ARTERIAL OR ROAD ARTERIAL**, shall mean a street or road under the jurisdiction of the Province of Ontario or the County of Elgin and may mean a street or road under the jurisdiction of the Municipality of Dutton/Dunwich.
- 2.202 **STREET LINE** shall mean the limit of road allowance and is the dividing line between a road and a lot.
- 2.203 **STRUCTURE**, shall mean any material, object, or work erected as a unit or constructed or put together of connected or dependant parts or elements whether located under, on, or above the surface of the ground, but shall not include a sign, fence, or boundary wall.
- 2.204 **SUPPLEMENTARY FARM HOUSING**, shall mean a single-detached dwelling or mobile home located on a farm, which due to its size and nature of operation requires additional farm labour, and is used for the accommodation of such persons employed as additional farm labour.
- 2.205 **TAVERN**, shall mean an establishment operating under Liquor License Act, as amended from time to time, where alcoholic beverages are sold for consumption on the premises.
- 2.206 **TAXI SERVICE ESTABLISHMENT**, shall mean lands, buildings, and structures used as a dispatch office or intended for the parking of taxis and/or limousines when not engaged in transporting persons or goods.
- 2.207 **TILLABLE HECTARES/ACRES**, shall mean the total area of land including pasture that can be worked or cultivated following the “Best Management Practices” as established by the Province of Ontario.
- 2.208 **TOP OF BANK**, shall mean the highest point of the valley walls as determined by a 3:1 (run:rise) elevation, which begins 15 metres back from the toe of bank of the watercourse.
- 2.209 **TOURIST HOME**, refer to the definition of Boarding House.
- 2.210 **TRAILER, PARK MODEL**, shall mean a building or structure that is built on a single chassis mounted on wheels and which is capable of complete relocation; and which is designed for use as a seasonal dwelling; and which shall be connected to communal or municipal services and utilities necessary for operation of installed fixtures and appliances; and which shall not have a gross floor area that exceeds 50 m², nor a width that is greater than 2.6 metres.
- 2.211 **TRAILER, TRAVEL**, shall mean a vehicle, including a camping trailer, designed, used, or intended for the living, sleeping, eating, or accommodation of persons therein for seasonal recreational travel; and which is either self propelled or constructed such that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle.
- 2.212 **TRUCK CAMPER**, shall mean a portable structure designed to be loaded onto, or affixed

to, the bed or chassis of a truck, and capable of providing temporary living quarters for recreation, camping or travel use.

- 2.213 **TRUCK TERMINAL**, shall mean the use of land, buildings, or structures, or portions thereof, where transports are stored, rented, leased, kept for hire, or parked for remuneration or from which trucks or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.
- 2.214 **USE**, shall mean, when used as a noun, the purpose for which any land, building or structure is designed, used, or intended to be used, or for which is occupied, used or maintained. When used as a verb, or as in the expression “to use”, shall mean anything done or permitted to be done by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land, building, or structure.
- 2.215 **UTILITY STATION**, shall mean the use of land, buildings, or structures by a public utility in connection with the supply and distribution of utilities and, without limiting the generality of the foregoing, may include a water or sewage pumping station, a water storage reservoir, an electric power transformer station, a telephone repeater station, but excludes a waste disposal site or transmission utility corridor.
- 2.216 **VARIETY STORE**, shall mean a retail store having a gross floor area of 280 m² or less, or as determined by the zone standards, where a variety of both household and grocery items or offered for sale primarily to serve the daily needs of people and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning and an area devoted to food preparation for consumption on or off the premises, provided the gross floor area for the sale of prepared food does not exceed 10% of the gross floor area.
- 2.217 **WAREHOUSE**, shall mean a building or portion thereof designed, used, or intended for the storage of goods, wares, merchandise, articles, or things that may include the selling or distribution thereof at wholesale.
- 2.218 **WASTE DISPOSAL SITE**, shall mean any land or land covered by water, licensed under the provisions of the Environmental Protection Act, as amended, from time to time, upon, into, or through which, or building or structure in which, waste is deposited or processed, and any machinery and equipment or operation required for the treatment or disposal of waste.
- 2.219 **WATER FRONTAGE**, means the boundary of a lot directly abutting an original shoreline reserve or a front lot line, as defined by Section 2.121 a).
- 2.220 **WATER SUPPLY COMMUNAL**, shall mean a privately owned and operated system whereby water is piped to more than one (1) dwelling unit, or to more than one (1) commercial use, or to more than one (1) institutional use, or combination thereof, situated on separate lots.
- 2.221 **WATER WELL-HIGH YIELD**, shall mean a hole and any structure appurtenant thereto, drilled into a geological formation of Cambrian or more recent age, with a yield of 3.8 litres of water per second or greater.

- 2.222 **WELL**, shall mean a hole and any structure appurtenant thereto, drilled into a geological formation of Cambrian or more recent age, for the production of potable water, but does not include a well where gas, oil, or salt water is encountered.
- 2.223 **WETLANDS**, means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface.
- 2.224 **WOODLANDS**, means treed areas that provide environmental and economic benefits such as erosion prevention, water retention, and provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands include treed areas, woodlots or forested area and vary in their level of significance.
- 2.225 **WRECKING YARD**, shall mean an establishment with a commercial wrecking licence where goods, wares, merchandise, substances, or articles are stored wholly or partly in the open and includes a junk, scrap metal or salvage yard and an automobile wrecking yard.
- 2.226 **YARD**, shall mean a space, appurtenant to a building or structure, located on the same lot as the main building or structure, and which space is open, structurally uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are specifically permitted by this By-law.
- 2.227 **YARD, FRONT**, shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest main wall of any main building or structure on the lot. The front yard depth means the least horizontal dimension between the front lot line of the lot and the nearest main wall of any main building or structure on the lot.
- 2.228 **YARD, REAR**, shall mean a yard extending across the full width of a lot between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot. Rear yard depth means the least horizontal dimension between the rear lot line of the lot in the nearest main wall of the main building or structure on the lot.
- 2.229 **YARD, SIDE**, shall mean a yard extending from the front yard to the rear yard and from the side lot line to the nearest main wall of any main building or structure on the lot. Side yard width means the least horizontal dimension between the side lot line of the lot and the nearest main wall of any main building or structure on the lot.
- 2.230 **YARD SIDE EXTERIOR**, shall mean a side yard immediately adjoining a road.
- 2.231 **YARD, SIDE INTERIOR**, shall mean a side yard other than an exterior side yard.
- 2.232 **ZONE**, shall mean an area delineated on the zoning map and established and designated by this By-law for a specific use.
- 2.233 **ZONING MAP**, shall mean a map or maps incorporated in this By-law and showing graphically the location, size and boundaries of zones established by this By-law together with other explanatory text and symbols.